

International Humanitarian Law and the Geneva Conventions

Study Guide



**American
Red Cross**

Together, we can save a life

Project Director
Thomas B. Goehner

Editorial
Lucy Brown
Laurie Fisher
Marlie Grilli
Elizabeth Hessman

Cover Design
John Rodgers

© 2001 The American National Red Cross
Washington, D.C.

Revised 2006

International Humanitarian Law
and the
Geneva Conventions
Study Guide

CONTENTS

HOW TO USE THIS STUDY GUIDE.....	3
MEETING NATIONAL STANDARDS.....	3
OBJECTIVES	3
WHY STUDY THIS SUBJECT?.....	3
SECTION I: BACKGROUND AND KEY CONCEPTS.....	5
SECTION II: HOW THE LAW WORKS.....	10
SECTION III: PUTTING THE LAW INTO PRACTICE.....	13
SECTION IV: OTHER RESOURCES.....	19
GLOSSARY OF TERMS.....	21
EVALUATION.....	27

HOW TO USE THIS STUDY GUIDE

This study guide is a primer on International Humanitarian Law for teachers as well as students of all ages. Learn how the International Red Cross and Red Crescent Movement helps implement these laws, based on the Geneva Conventions, and how they carry out activities to protect and assist people in armed conflict.

First, read this study guide. Second, lead a discussion on International Humanitarian Law and its applications. Third, carry out the activities and projects. Conduct a follow-up classroom discussion after the activities or projects have been completed to help reinforce the key concepts and objectives. Definitions of terms (shown in bold in the text) can be found in the glossary.

This study guide is primarily intended for teachers of seventh through twelfth grade to adapt and incorporate into their civics and social studies curricula. However, it may also be used as an introduction for the general reader.

MEETING NATIONAL STANDARDS

1. Students will be able to assess the progress of human and civil rights around the world.

*National Standards for World History
Grades 5 through 12*

2. Students will be able to describe the most important means nation-states use to interact with one another:
 - Trade
 - Diplomacy
 - Treaties and agreements
 - Humanitarian aid
 - Economic incentives and sanctions
 - Military force and the threat of force

*National Standards for Civics and Government
Grades 5 through 8*

OBJECTIVES

After completing the readings and activities in this study guide, users will be able to—

- Define the key concepts of International Humanitarian Law (IHL).
- Identify which people and activities are protected by the Geneva Conventions and why.
- Describe how IHL is implemented and enforced.
- Articulate the historic and recent applications of the Geneva Conventions.

WHY STUDY THIS SUBJECT?

Students today will address and advocate the use of humanitarian law during the conflicts of the future--as leaders, as members of the military and as informed members of the public. By studying this subject, students will better understand the laws of war and armed conflict, not only

as they relate to historic events, but also as they apply to conflicts faced by many nations and people today. Understanding the concepts presented in this study guide is a critical first step in a student's study of International Humanitarian Law.

SECTION I: BACKGROUND AND KEY CONCEPTS

Origins of Modern International Humanitarian Law

Throughout history, attempts have been made to establish humanitarian codes of conduct, including the Hammurabic Code (18th century B.C.—Babylon), the code of Justinian (6th century—Byzantine Empire), English Common Law, the United States Bill of Rights (1791) and the **Lieber Code** (United States, 1863). Unwritten rules known as “customary international law,” developed over the centuries to restrain conduct in time of war.

No fixed body of **international humanitarian law (IHL)** came into being, however, until the 19th century. In 1859, Henry Dunant, a Swiss businessman traveling through Solferino, Italy, witnessed the aftermath of a bloody battle between the French and Austrian armies. As the soldiers departed, Dunant saw the suffering of thousands of wounded and dying men who lay unattended on the battlefield. Dunant enlisted nearby residents to provide what relief they could, but despite their efforts, thousands died.



Henry Dunant, founder of the Red Cross Society in 1863.

Greatly moved by the experience, Dunant wrote a small booklet entitled *A Memory of Solferino*, which described the plight of the victims of war and proposed the establishment of **civilian** volunteer relief corps to care for the wounded. He wrote:

“Would it not be possible, in time of peace and quiet, to form relief societies for the purpose of having care given to the wounded in wartime by zealous, devoted, and thoroughly qualified volunteers?”



The Geneva Conference of August 22, 1864 by Charles Edouard Armand-Dumaresq, (1826–1895). Oil on canvas, American Red Cross Museum Collection.

Dunant's call for an international conference to draft an agreement on the treatment of battlefield casualties was answered in 1863, when a “Committee of Five” was formed in Geneva, Switzerland to implement his recommendations. The Committee was the forerunner of what is now the **International Committee of the Red Cross (ICRC)**. Eight months later, in 1864, the Swiss government hosted a **diplomatic conference** in Geneva attended by a number of nations as well as representatives of military medical services and humanitarian societies. This marked an important date. The conference adopted the first **Geneva Convention** (treaty), containing 10 articles specifying that—

- Ambulances, military hospitals and the personnel serving with them are to be recognized as neutral, and protected by parties to a conflict.
- Citizens who assist the wounded are to be protected.
- Wounded or sick combatants are to be collected and cared for by either party.

- The symbol of a red cross on a white background (the reverse of the Swiss flag) will serve as a protective emblem to identify **medical personnel**, equipment and facilities.

The International Red Cross and Red Crescent Movement

The International Red Cross and Red Crescent Movement is the encompassing term that symbolizes the unity of its members:

- The International Committee of the Red Cross
- The International Federation of Red Cross and Red Crescent Societies
- More than 180 Red Cross and Red Crescent **national societies** like the American Red Cross

The mission of this united worldwide network is to relieve human suffering, whenever and wherever it occurs, and to promote world peace. Its day-to-day activities are carried out by more than 250 million people.

The International Committee of the Red Cross

Founded in 1863, the International Committee of the Red Cross is a private Swiss institution that acts as a neutral intermediary in matters of human suffering related to international conflicts, civil wars and internal social, political and military disturbances throughout the world. As custodian of the Geneva Conventions, it provides protection and assistance to both military and civilian victims of conflicts, including war wounded, prisoners of war, civilian and political detainees and civilian populations in occupied and enemy territories. Among its activities, many carried out in close cooperation with national societies, the ICRC searches for missing persons separated by conflict; exchanges messages to and from members of separated families; helps establish hospital and security zones in embattled areas; organizes international aid programs and medical assistance for refugees, displaced people, and other civilian victims of **armed conflicts**; and promotes the application of International Humanitarian Law in armed conflicts. The International Committee is composed of up to 25 Swiss citizens who oversee an ICRC headquarters staff of more than 600 in Geneva, Switzerland, plus several thousand field workers deployed in troubled areas of the world.

The International Federation of Red Cross and Red Crescent Societies

The Federation is an international coalition of national societies. Its primary activities include coordination of relief efforts for victims of natural disasters, advice and assistance in the development of national societies and promotion and participation in ongoing peacetime International Humanitarian Law educational activities. Since its establishment in 1919, the Federation (formerly the League) has been based in Geneva, Switzerland. In the event of an armed conflict, its role is to provide humanitarian assistance to individuals displaced outside areas of conflict. This assistance is coordinated with activities conducted by the ICRC and national societies.

Red Cross and Red Crescent National Societies

Nearly every nation has established its own national society. All of the more than 180 national societies offer a range of services to their communities, including health education, social welfare, safety instruction and disaster relief. In the majority of countries, the societies are

known as the Red Cross. In most Muslim countries, they are known as the Red Crescent. In Israel, the national society is called the Magen David Adom (Red Shield of David).

During armed conflict, many national societies also—

- Support relief operations by channeling needed goods and monetary contributions.
- Provide medical and relief workers.
- Serve as the global link with ICRC efforts to locate prisoners of war and civilians, reestablish family communications and, when possible, reunite relatives.

National societies play a vital role in the emergency communications process and are directly involved in **tracing services** and the exchange of Red Cross messages through the ICRC delegations working in conflict areas. Using the vast, growing resources of the ICRC's **Central Tracing Agency**—presently containing over 46 million records—national societies continue to bring together relatives separated by conflicts as far back as World War II.

Nations that have signed the Geneva Conventions are required to educate their military and the public about these laws. In many countries, the responsibility for public education (called dissemination) has been placed upon the Red Cross. General audiences among the public include youth, government officials, legal and medical professionals, high school and university students, the academic community and the media. Informing the public and the military about the rules and principles of International Humanitarian Law helps ensure respect and adherence to the law. Greater public awareness worldwide helps save lives and reduce suffering.

What Is International Humanitarian Law?

International Humanitarian Law, or IHL, are the rules and principles that are designed to save lives and alleviate suffering during an armed conflict. The international treaties that set forth these rules are known as the Geneva Conventions.

What Are the Geneva Conventions?

The **Geneva Conventions** are a series of treaties signed by most of the countries of the world. The first Convention, signed in 1864, established rules that protect soldiers who are wounded to the extent that they can no longer serve as a **combatant**. The symbol of the red cross on a white background (the reverse of the Swiss flag in honor of the origin of this initiative) serves as the protective emblem to identify medical personnel, equipment and facilities. These original rules, or conventions, were expanded over the years and by 1949 included provisions for the protection of—

- Wounded and sick members of the armed forces on land or sea.
- Medical personnel, facilities and equipment.
- Wounded and sick support personnel accompanying the armed forces.
- Military chaplains.
- Civilians who spontaneously take up arms to repel an invasion.
- Hospital ships.
- **Prisoners of war**, which includes adequate housing, food, clothing, medical care.
- **Civilians**.

In 1977, two additional agreements called **Protocols** were added to the Geneva Conventions to expand these protections. These Additional Protocols of 1977 cover subjects ranging from the recruitment of children into the armed forces to protections for cultural objects and places of worship.

The Fundamental Principles of the International Red Cross and Red Crescent Movement

The **principles of humanity, impartiality, neutrality**, independence, voluntary service, unity and universality were adopted by the Red Cross in 1965. All Red Cross work is based on these seven principles. The first three principles—humanity, impartiality and neutrality—are also the underlying principles of International Humanitarian Law and the Geneva Conventions.

Humanity This principle is based on respect for the human being and requires alleviating suffering and protecting people from violence.

Impartiality This principle declares that relief is given on the basis of need alone, without adverse discrimination of any kind.

Neutrality This principle requires that, in order to maintain its acceptance by all, the Red Cross never take sides during a conflict. It also forbids the Red Cross from engaging in political, religious or ideological controversies.

Protection for Members of the Armed Forces

Combatants who are *hors de combat* (out of the fight), war correspondents and certain civilians are protected under the first three Geneva Conventions:

- Wounded and sick combatants, to whatever nation they may belong, are to be collected and cared for under the provisions of the First Geneva Convention. They cannot be murdered or subjected to torture and biological experiments. They are to receive adequate care and are to be protected against pillage or ill treatment. The Convention also protects medical workers, military religious personnel, military medical facilities and mobile units.
- Wounded, sick and shipwrecked combatants at sea are protected by the Second Geneva Convention. They receive the same protection of soldiers on land, extended to conditions encountered at sea. Hospital ships are protected.
- Prisoners of war (POWs), protected by the Third Geneva Convention, must be treated humanely and provided with adequate housing, food, clothing and medical care. They are not to be subjected to torture or medical experimentation and must be protected against acts of violence, insults and public curiosity. Captured war correspondents and civilians authorized to accompany the military are also entitled to this status.

Protection for Civilians During Armed Conflicts

Civilians in areas of armed conflict and occupied territories are protected by the 159 articles of the Fourth Geneva Convention. Specific provisions include the following:

- Pillage, reprisals, indiscriminate destruction of property and the taking of hostages are prohibited.
- The safety, honor, family rights, religious practices, manners and **customs** of civilians are to be respected.
- Civilians are to be protected from murder, torture or brutality, and discrimination on the basis of race, nationality, religion or political opinion.
- Civilians are not to be subject to collective punishment or deportation.
- **Children** who are orphaned or separated from their families must be cared for. The International Committee of the Red Cross Central Tracing Agency is also authorized to transmit family news and assist with family reunifications, with the help of Red Cross and Red Crescent national societies.
- If security allows, civilians must be permitted to lead normal lives.



Red Cross provides aid to civilian victims of World War I, circa 1918.
Photo courtesy of the Library of Congress.

SECTION II: HOW THE LAW WORKS

The International Committee of the Red Cross, which is the official custodian of the Geneva Conventions, does not have the power to enforce the rules. The nations that have signed these conventions are required to enforce the rules themselves and publicize the most serious violations, known as **breaches** or **war crimes**. All participating governments must enact their own internal laws in support of the Geneva Conventions. Armed Forces train their personnel in IHL (which is sometimes called the **law of war** by the military) and sometimes provide such training for other countries as well. What follows is a brief summary of why and how countries comply with IHL.

Practical Reasons to Respect IHL

1. **Reciprocity:** The humane treatment of individuals on one side often dictates treatment by the other.
2. **Military Efficiency:** Violence should only be used against those using violence. Conflict should be limited to military objectives. If not, military discipline is compromised and materials are wasted.
3. **Economics:** Nations can choose to limit violence in order to avoid needless destruction.
4. **Ethics:** Traditional religious and ethnic teachings and values lead us to want to preserve human life. Above all, the enemy is still a human being.
5. **Preservation of Civilization:** We believe in the survival of humankind. We must protect the wounded, civilians, cultural objects and objects indispensable to the survival of the civilian population and the natural environment. The right to survival—humanity—is one of the principles by which civilizations exist.
6. **Help Countries Return to Peace:** In order to leave open the possibility of dialogue, avoid degradation by excessive violence and prevent unsolved humanitarian problems from becoming serious political issues (for example, refugees, prisoners and soldiers missing in action), we must remember that humanitarian gestures are the first step toward peace.

Implementing IHL

There are five main mechanisms for implementing the law and ensuring its **enforcement**:

1. **High Contracting Parties:** These parties have all agreed to ensure respect for the Conventions in all circumstances.
 - First, each nation has responsibilities, whether it is a **party** to the conflict or a neutral country.
 - Second, collective responsibility exists for all allies and for every conflict situation, meaning allied parties are responsible for each others' behavior.

- Third, each country that ratifies the Geneva Conventions is required to make the Geneva Conventions part of its domestic legal system. In the United States, this requirement has been fulfilled through the Department of Defense directives.
 - Fourth, each party to the Convention is obligated to disseminate information on IHL and to prosecute violators.
2. **Protecting Powers:** The Geneva Conventions provide for the appointment of a neutral country as a protecting power. The duty of the protecting power is to safeguard the interest of all the parties of the conflict. This power has, however, rarely been used.
 3. **Fact-Finding Commission:** This commission is composed of a group of individuals, not countries, and is tasked with investigating allegations of grave breaches or other violations of the Geneva Conventions and Additional Protocols.
 4. **ICRC/National Societies/Federation:** Every four years, representatives of each component of the movement together with the nations that are party to the Geneva Conventions meet at the International Conference of the Red Cross and Red Crescent to discuss and take action on issues of humanitarian concern.
 5. **Advisory Service on International Humanitarian Law:** The International Committee of the Red Cross sponsors an Advisory Service on International Humanitarian Law. The service is designed to assist member nations with complying with the Conventions. The Advisory Service offers legal consultants specializing in International Humanitarian Law to governments to help them draft legislation and train responsible officials in the military on the rules and principles of humanitarian law. In addition, the Advisory Service offers seminars, publishes articles and hosts a database. All these services are designed to assist each nation's government in understanding and observing the Geneva Conventions even before they are engaged in an armed conflict.

Consequences of Non-Compliance

Countries or groups that do not follow the rules laid out in the Geneva Conventions are subject to sanctions.

- Sanctions can be economic or political in nature. To be most effective, they must be universal. They are generally imposed by international organizations such as the United Nations.
- Nations that are parties to the Geneva Conventions must pass domestic legislation providing penalties for violations of these rules. They are obligated to prevent violations of the Geneva Conventions and to investigate and prosecute when they have occurred.
- A serious violation is called a grave **breach** and is regarded as a war crime. Grave breaches are listed in the Geneva Conventions and its Protocols. They include torture and inhumane treatment of prisoners of war and civilians, the taking of hostages, forced marches and the treacherous use of protective emblems to deceive and kill, injure or capture enemy forces.

The most well-known war crimes trials are the International Military Tribunals held in Nuremberg (1945-1946) and Tokyo (1946-1948) at the end of World War II. However, these were unusual trials that were held for the widespread crimes against humanity that took place during that war. More often, war crimes trials are conducted under an individual nation's laws and are independent of the Geneva Conventions. Currently, specially convened war tribunals authorized by the United Nations Security Council are in session to try war crimes committed in the former Yugoslavia and Rwanda.

The Geneva Convention Protocols also provide for compensation to be paid by one party to the conflict to another party for violations.

The United Nations has considered the idea of establishing a permanent international criminal court at various times since the end of the World War II. In 1993 and 1994, it set up two ad hoc tribunals to punish serious violations of international humanitarian law committed, respectively, in the former Yugoslavia and Rwanda.

A series of negotiations to establish a permanent international criminal court that would have jurisdiction over serious international crimes regardless of where they were committed was started in 1994 and led to the adoption of the Statute of the International Criminal Court (ICC) in July 1998 in Rome. This accomplishment is the culmination of years of effort and shows the resolve of the international community to ensure that those who commit grave crimes do not go unpunished. This treaty entered into force on July 1, 2002, sixty days after sixty nations become parties to the statute through ratification or accession.

SECTION III: PUTTING THE LAW INTO PRACTICE

Family Tracing Scenario

Imagine you are a citizen of a country that is experiencing an **armed conflict** with another country. During the course of the hostilities, the conflict comes to your town. **Armed forces** seize your house and burn it down. Because you were in another part of town at the time of the civilian evacuation, you don't know if your family members got out in time, were seized by the military forces as prisoners or were killed. Because you have no alternative, you have joined one of the civilian convoys headed toward camps in a **demilitarized zone**.

Article 26

Each Party to the conflict shall facilitate enquiries made by members of families dispersed owing to war, with the object of renewing contact with one another and of meeting if possible. It shall encourage, in particular, the work of organizations engaged in this task provided they are acceptable to and conform to its security regulations.

Convention IV
Relative to the Protection of
Civilian Persons in Time of War
Geneva, 1949

Questions for Discussion

- How will you re-establish contact with your surviving family members?
- What protections are called for under International Humanitarian Law for civilians?
- What changes have occurred in the historical development of International Humanitarian Law that work towards the humane treatment of more people during armed conflicts?



Standard prisoner of war package items.
Circa 1943.

Prisoners of War Scenarios Scenario I

You are a soldier who is defending a military base from an invading army. During a battle, you suffer a bullet wound to the leg and are made a **prisoner of war** as the enemy troops capture the base. You are taken by truck to a makeshift prison camp 100 miles away from the conflict. Upon arrival at the camp, an enemy officer requires that you give your name, rank, date of birth and the nature of your mission at the time of capture. You and 20 other wounded soldiers are sent to an infirmary, but there is no medical person on duty. And no medical supplies. The camp is

surrounded by a high, barbed-wire fence with watchtowers and armed guards. Next to the camp is a large electrical power station. Each prisoner is assigned to a barracks that is meant to house 30 men but now houses three times that number.

Questions for Discussion

- What do the Geneva Conventions say about the treatment of prisoners of war?
- What Geneva Conventions have been violated in this case?
- Why might an army choose to abide by the prisoner of war provisions of the Geneva Conventions?
- What are the pros and cons of the prison camp's location?

Articles 50 and 54

POWs must be housed in clean, adequate shelter, and receive the food, clothing and medical care necessary to maintain good health. They must not be held in combat areas where they are exposed to fire, nor can they be used to "shield" areas from military operations. They may be required to do non-military jobs under reasonable working conditions when paid at a fair rate.

Convention III
Relative to the Treatment of Prisoners of War
Geneva, 1949

Scenario II

Two days later, a Red Cross representative makes an inspection tour of your prison camp. He is accompanied by a doctor and several nurses, who bring a shipment of medical supplies and begin seeing patients in the infirmary. After the Red Cross representatives leave, special airmail envelopes are distributed by camp officials to you and your fellow prisoners. You are now permitted to send a **Red Cross message** to your family explaining your prisoner of war status. A week later, you and several other prisoners receive mail as well as care packages from home.

Questions for Discussion

- Why have some of the camp conditions changed?
- What additional things have to happen at the prison camp for it to be in compliance with the Geneva Conventions?

Research Projects

- At your local library, select both a historic and a recent conflict or war where the Geneva Conventions were needed to safeguard civilians. Are there any differences in how the Conventions were followed in the past compared with today? According to your research, were there more abuses in the past or are there more today? What types of abuses have the more recent Conventions sought to prevent? What is their track record so far? Write a brief report describing the differences. Where possible, use illustrations from your research to support your comparisons.
- Using the Internet and resources at your school and local library, find a recent (in the last 10 years) example of the Geneva Conventions have helped civilians or prisoners of war receive humane treatment. If possible, include illustrations or photos of the people receiving help and then post them together on a bulletin board to share with classmates.
- If you were a delegate to a Geneva Convention conference, what kind of additional protections or provisions would you propose? Who would be protected by the new provision and under what conditions? Give a recent example of an armed conflict in which this provision may have saved lives or prevented suffering.
- Using the Red Cross message form below, assume you are a prisoner of war writing home to your family. What would you say in the space provided? Remember, the authorities will be screening both incoming and outgoing mail. What are the most important things you need to communicate?



A United Nations soldier arrives at Freedom Village on the 38th parallel in Korea and is greeted by an American Red Cross field director working to ensure the safe exchange of prisoners of war. Circa 1953.

ANNEX IV
C. CORRESPONDENCE CARD AND LETTER

i. Front

(see Article 71)

I. CARD.

<u>PRISONER OF WAR MAIL</u>		Postage free
POST CARD		
To		
Sender: Name and first names Place and date of birth Prisoner of War No. Name of camp Country where posted	Place of Destination Street	
	Country	
	Province or Department	

2, Reverse side.

NAME OF CAMP	Date
.....	
.....	
.....	
.....	
.....	
.....	
.....	
.....	
.....	
.....	
.....	
Write on the dotted lines only and as legibly as possible.	

Remarks.—This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power. Actual size of form: 15 by 10 centimetres.



As World War II intensified, Red Cross societies stepped up their shipments of packages for their prisoners of war. Switzerland, 1945.
Photographer: Unknown.

Humanitarian Relief Workers and Neutrality



The Zairian Red Cross provides assistance to Rwandan refugees. Rwanda, 1994. Daniel Cima, photographer.

Another important focus of the Geneva Conventions is **neutrality** and protection for impartial humanitarian relief organizations. The Conventions seek to ensure that people who are part of an impartial humanitarian organization, like the Red Cross, are able to go about their work without the threat of attack or reprisal.

The use of red cross and red crescent emblems are strictly governed under the law in order that they may protect the personnel of the International Red Cross and Red Crescent Movement in their work with civilians, prisoners of war and injured soldiers from both sides of the armed conflict. The symbols of the red cross and red crescent are used to identify and protect authorized medical personnel and relief workers, military and civilian medical facilities, mobile units and hospital ships. Both sides of the conflict are required to respect the neutrality of these workers if they are to receive the benefit of their aid to the civilian populations, wounded and imprisoned soldiers or any other group or individual considered *hors de combat* (out of combat) by the Geneva Conventions. Because the ICRC has no weapons, protective guard or police force, it must rely on the cooperation of the warring parties to respect both the Red Cross staff, and its facilities and equipment. When relief workers have been arrested, attacked, assassinated and facilities destroyed or seized, the Red Cross has withdrawn its personnel and services immediately.



The Geneva Conventions recognize three **emblems** that are currently in use: the red cross, the red crescent (used in most Muslim countries) and the red crystal. The red crystal was recently introduced as an alternative

emblem in 2006 for situations where the red cross or crescent may not be understood as neutral. If permitted by the laws of its country, a national society may use the red crystal on its own or with their own emblem inside it to identify their staff and facilities.

ICRC Relief Worker Scenario

You are a physician at a field hospital in the middle of a war between two countries in a dispute over territory. During the course of your work, you join an ambulance team to help wounded soldiers at a remote location. On the way, you are stopped by a small squad of soldiers. The soldiers understand that you are neutral relief workers but still demand to see your identification and paperwork. In addition, they insist that they accompany the ambulance and medical team to its destination to provide protection and count the number of casualties among their own soldiers and the enemy.

Burundi June 4, 1996

Two ICRC vehicles were driving on the road leading from Mugina to Bujumbura. Suddenly, the first vehicle was subjected to intense gunfire and the three ICRC delegates travelling in it were killed. The second vehicle turned back in its tracks. The ICRC was the last humanitarian organization to work in the province of Cibitoke, the area most seriously affected by the conflict, and had just received all the necessary security guarantees from representatives of the population and the army. After this event, the ICRC decided to suspend all its activities in Burundi.

ICRC Report
January, 1998

Questions for Discussion

- How did the soldiers know that there would be relief workers on board?
- Why would a soldier want to see the number of casualties of the enemy?
- What would be the consequences of giving in to the soldier's demands?
- What parties are responsible for making sure that relief workers and their patients are treated as neutrals?

Concluding Classroom Activities: The Protections of IHL

Assume that you are a representative of the fictional Freelandian Red Cross Society in the capital city of Freelandia. Rumors are circulating that the Freelandian men are being forced into the invading Gargantuan army, that food is scarce and that schools are being closed. Break the class into three groups and have them report to the class answers to the following questions:

1. What groups of individuals are at risk during this armed conflict? Which ones are protected under IHL? What protection does IHL give these groups?
2. What is the role of the Freelandian Red Cross Society? What actions would you expect the International Committee of the Red Cross to take during the armed conflict?
3. What protections do the Geneva Conventions and the additional Protocols provide for the protection of objects indispensable to the survival of the civilian population?

Become aware of humanitarian actions carried out around the world.¹

1. What is happening today?
 - Find media reports about international humanitarian organizations to learn what they are doing.
 - Write to them to get their reports about their activities in specific areas around the world (or visit their websites to read their reports).
 - List the organizations and programs you research. Outline the primary activities of each.
2. What dilemmas are humanitarian workers facing?
 - Identify dilemmas in humanitarian action that you find in the news media.
 - What courses of action are possible for humanitarian workers?
 - What are the possible consequences of each course of action?
 - (intended and unintended, positive and negative, short- and long-term)
 - How do different people view the situation and choices of action?
 - What would you recommend the humanitarian workers do?

¹ This resource is part of *Exploring Humanitarian Law* (EHL), an education program on International Humanitarian Law initiated by the International Committee of the Red Cross for educators working with adolescents. For more information, please contact Laurie D. Fisher, Chapter International Support Unit, American Red Cross, International Services Department, Email: FisherL@usa.redcross.org.

SECTION IV: OTHER RESOURCES

Publications

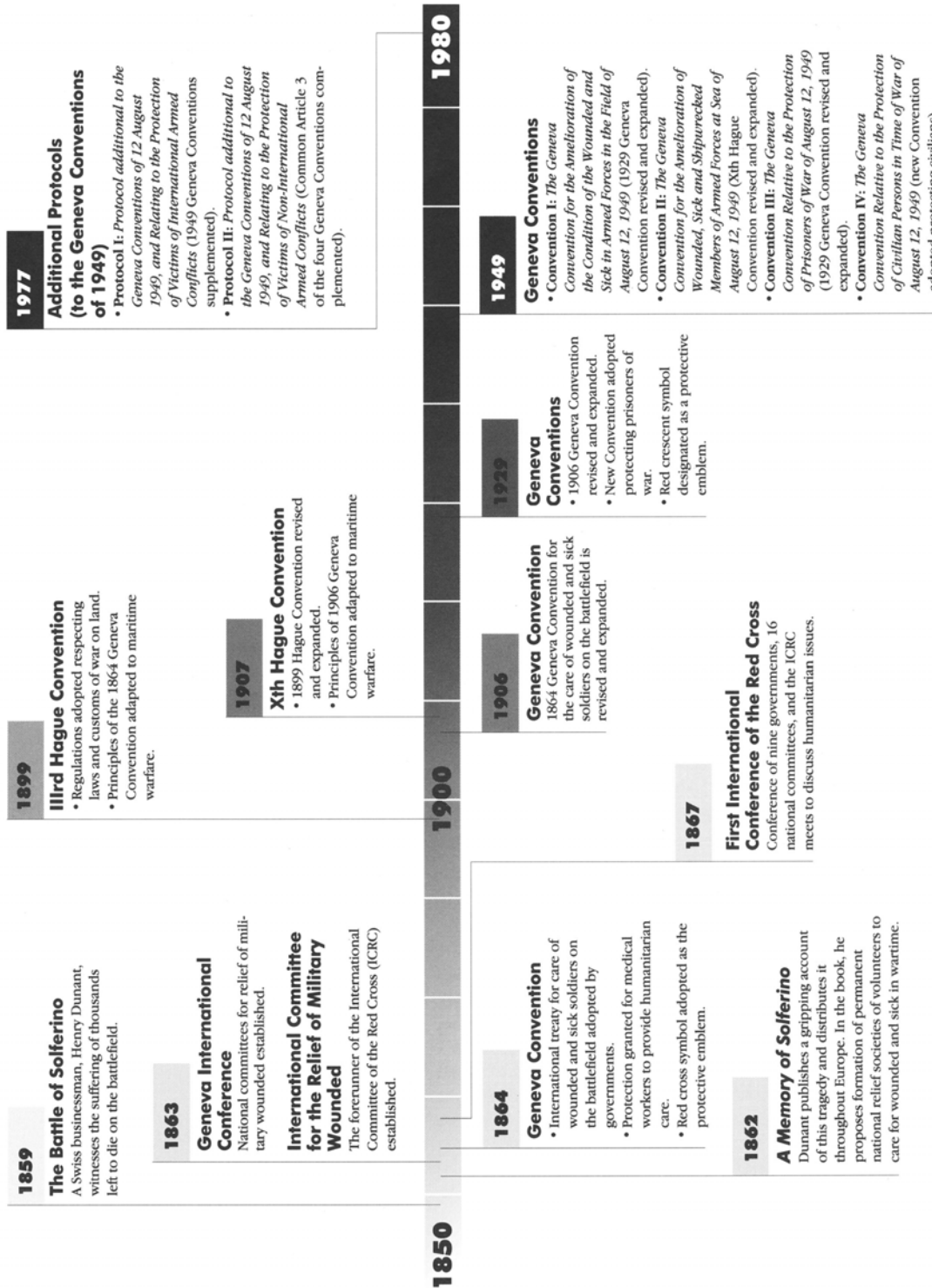
Dunant, Henry. *A Memory of Solferino*. American National Red Cross, Washington, D.C., 1959.

McCoubrey, H. *International Humanitarian Law: The Regulation of Armed Conflicts*, Dartmouth Publishing Company, 1990.

Web Resources

- **American Red Cross International Services**
<http://www.redcross.org/services/intl/>
- **Amnesty International (Refugees)**
<http://www.amnesty.org/>
- **Doctors Without Borders**
www.doctorswithoutborders.org
- **United Nations High Commissioner on Refugees**
<http://www.unhcr.org/>
- **Humanitarianism and War Project**
<http://hwproject.tufts.edu/>
- **Interaction (American Council for Voluntary International Action)**
www.interaction.org/index.html
- **International Federation of Red Cross and Red Crescent Societies**
www.ifrc.org
- **International Committee of the Red Cross**
www.icrc.org
- **United States Agency for International Development (USAID)**
www.info.usaid.gov
- **U.S. Committee for Refugees**
www.refugees.org
- **View Full Text of the Geneva Conventions**
www.icrc.org/ihl.nsf/WebCONVFULL?OpenView

Development of Modern International Humanitarian Law



GLOSSARY OF TERMS

Note: Many of the definitions that follow have been adapted for the general reader from the original legal sources and treaties.

ADDITIONAL PROTOCOLS	A process by which a government can agree to be bound by a treaty already in force.
ARMED CONFLICT	This general expression covers confrontations between two or more nations, a nation and a body other than a nation, a nation and a dissident faction or two ethnic groups within a nation.
ARMED FORCES	During a conflict armed forces consist of all organized, armed groups and units that are under the command of the opposing parties.
BREACH	The violation of a rule of law or principle by one legally obligated to its adherence. A breach can be grave if it involves violations of major provisions of international humanitarian law (IHL), including the unwarranted killing of the unarmed or wounded; torture or inhumane treatment, including biological experiments; direct attacks on civilian populations; the unauthorized use of a protective emblem; or extensive destruction and appropriation of property carried out unlawfully and wantonly.
CENTRAL TRACING AGENCY (CTA)	An organization formed by the International Committee of the Red Cross (ICRC) to collect all the information it can obtain through official or private channels about prisoners of war, and to transmit it to the country of origin of the prisoners of war or to the power on which they depend (through Red Cross and Red Crescent national societies). The CTA also does such work for protected civilian persons, particularly those subject to internment, by transmitting the information collected to the countries of origin or residence of the persons concerned, except where such transmission might be detrimental to the persons the information concerns or to their relatives.
CHILDREN	The international law of armed conflict gives children general protection as civilian persons taking no part in hostilities and special protection as particularly vulnerable beings.
CIVILIAN	A person who is not a combatant.
COMBATANT	Members of the armed forces taking a direct part in the conflict. Combatants are under the obligation to distinguish themselves from the civilian population. If they fall into the hands of the enemy, they are entitled to prisoner of war status.

CONVENTION	A written treaty, pact or agreement between states (nations) that regulates matters of common concern, thus becoming part of international law.
CUSTOM	Comprehensive and uniform repetition of behavior over a long period, in the belief that such behavior is obligatory. In the law of armed conflict, custom has often preceded written regulations, sometimes by thousands of years. The laws of war stem from the practice of war. They are adopted because they are necessary and therefore become customs. These tentative innovations are repeated over and over again and observed in good faith. Little by little they become routine and in the end are respected by all. Custom then often becomes part of international law, which may in turn lead to a custom that becomes binding even on nations not party to international instruments.
DEMILITARIZED ZONE	Any zone from which all combatants, weapons and military equipment have been removed and in which no hostile use is made of fixed military installations or establishments, no acts of hostility are committed by the authorities or by the population and any activity linked to the military effort has ceased. Police forces may be stationed in demilitarized zones to maintain order.
DIPLOMATIC CONFERENCE	A meeting composed of state (national) representatives who gather to reach agreement on an international issue.
EMBLEMS and SIGNS	The purpose of distinctive emblems and signs is to indicate that the persons or property bearing them are entitled to special international protection and may not be the object of violence. These signs and emblems include the red cross or red crescent on a white ground, which protects medical and religious personnel, medical units and medical transports. The undue or abusive use of a distinctive emblem or sign is prohibited.
ENFORCEMENT	Bringing those responsible for committing war crimes to justice through legal means. International humanitarian law requires states to seek out and punish people who have committed grave breaches of international humanitarian law, regardless of the place the violation took place or the nationality of the perpetrator.
FUNDAMENTAL PRINCIPLES (OF THE MOVEMENT)	The principles of humanity, impartiality, neutrality, independence, voluntary service, unity and universality, adopted by a resolution of the XX th International Conference of the Red Cross in Vienna in 1965, and upon which all Red Cross work is based. The first three—humanity, impartiality and neutrality—are also the underlying principles of international humanitarian law, specifically the Geneva Conventions. The origins of these principles can be traced to Henry Dunant’s book, <i>A Memory of Solferino</i> .

GENEVA CONVENTIONS OF 1949 AND THEIR ADDITIONAL PROTOCOLS OF 1977	International agreements that provide the legal basis for the International Red Cross and Red Crescent Movement. They reaffirm the value of human life and dignity, even in the midst of armed conflict. The Geneva Conventions provide that persons not involved in the hostilities and those incapable of participating in the hostilities due to illness, wounds or capture shall be protected and cared for equally. Additions, known as the Protocols, have brought the Geneva Conventions into accord with newer methods of warfare. This body of law is referred to as “Law of Geneva” or “Geneva Law.”
HORS DE COMBAT	A French term (translation: “out of the fight”). A combatant is <i>hors de combat</i> if he or she is in the power of an adverse party, clearly expresses an intention to surrender or has been rendered unconscious or is otherwise incapacitated by wounds or sickness and is therefore incapable of self-defense. Provided that in any of these cases he or she abstains from any hostile act and does not attempt to escape, he or she may not be made the object of attack.
HUMANITY	One of the seven fundamental principles of the Red Cross and Red Crescent Movement. This principle is based on respect for the human being, is inseparable from the idea of peace, and sums up the Movement's ideals. The other fundamental principles therefore derive from it. Humanity means being sensitive to and sharing the suffering of others, and preventing and alleviating it. Its purpose is to protect life against violence. It is the first step towards preventing and eliminating war and is an essential factor of true peace, which is attainable neither by domination nor by military superiority.
HUMAN RIGHTS LAW	A body of law, applicable at all times, that protects human dignity, especially against the arbitrary behavior of the state.
IMPARTIALITY	One of the fundamental principles of the Red Cross and Red Crescent Movement that works toward serving people or making decisions about people based only on their needs, without considering their nationality, race, religious beliefs, social class or political opinions.
INTERNATIONAL ARMED CONFLICT	International armed conflicts are wars between nations, wars of national liberation and wars in which people attempt to exercise their right of self-determination.
INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC)	Private Swiss organization mandated to serve as a neutral intermediary in times of armed conflict. Its mission is to protect victims of war in accordance with the Geneva Conventions and their Additional Protocols, to grant recognition to new national societies and to disseminate information about IHL and the Geneva Conventions. The ICRC also provides tracing services to locate persons, deliver special family

messages for those behind lines of conflict and give emergency relief to areas plagued by conflict.

INTERNATIONAL CRIMINAL COURT A permanent tribunal that will investigate and punish the most serious violations of international law, including genocide, crimes against humanity, war crimes and acts of aggression. The International Criminal Court will be established after 60 countries **ratify** the agreement written at an international meeting in Rome in 1998.

INTERNATIONAL FACT-FINDING COMMISSION The provisions of Protocol I provide for the appointment of an International Fact-Finding Commission in cases of international armed conflict, at the request of one of the parties to the conflict. The commission must be composed of members of high moral standing and acknowledged impartiality and who are competent to inquire into any facts alleged to be a grave breach or any other serious violation of the 1949 Geneva Conventions or of Protocol I. The commission facilitates, through its good offices, the restoration of an attitude of respect for international law. For the commission to function, the parties to the conflict must fully recognize its competence or accept it in such cases.

INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES The collective body of Red Cross and Red Crescent national societies. Its role is to "inspire, encourage, facilitate and promote at all times all forms of humanitarian activities by national societies with a view to preventing and alleviating human suffering and thereby contributing to the maintenance of peace in the world." Moreover, the Federation is specifically entrusted to promote the humanitarian activities of national societies, assist and/or coordinate their relief actions in natural disasters or epidemics, help refugees and displaced persons in non-conflict areas, and encourage the creation and development of national societies that can deal effectively with disasters of all kinds. This organization is often referred to as the Federation, and was formerly called the League.

INTERNATIONAL HUMANITARIAN LAW (IHL) The body of laws and principles that seeks to save lives and alleviate suffering of combatants and noncombatants during armed conflicts. Its principal legal documents are the Geneva Conventions of 1949, four treaties signed by almost all states (nations) around the world. The Geneva Conventions specifically protect members of the armed forces who are wounded, sick, shipwrecked or prisoners of war, and civilians. (Also referred to as "the law of armed conflict" or the "law of war.")

THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT The collective term for the bodies that make up the Movement, which includes the ICRC, the Federation, and more than 175 Red Cross and Red Crescent national societies.

LAW OF WAR	See International Humanitarian Law.
LIEBER CODE	Wartime rules of conduct first issued by President Abraham Lincoln in 1863. The code is named after its author, Francis Lieber. These rules were applied by the U.S. Army until superseded by the Geneva Conventions. This code was very influential in the development of the humanitarian law treaties of the late 19th century.
MAGEN DAVID ADOM (MDA) IN ISRAEL	Magen David Adom (mah-GEN dah-VEED ah-DOM, with the "g" pronounced as in "gift") translates from the Hebrew as the "Red Shield of David," and signifies both the name and emblem of the national society in Israel. Also known as the Red Star of David or the Red Magen David.
MEDICAL PERSONNEL	Persons assigned exclusively, whether for a permanent or temporary period, to medical purposes, namely the search for, collection, transportation, diagnosis or treatment of the wounded, sick and shipwrecked; or to the prevention of disease; or to the administration or operation of medical units or medical transports. Medical personnel comprises military and civilian medical workers, including those of the Red Cross or Red Crescent and civil defense personnel. They are entitled to the protection and treatment stipulated by international law.
NATIONAL SOCIETIES	Nearly every state (nation) has established its own national society. In most countries, these are known as the Red Cross. In most Muslim countries, they are the Red Crescent. Although not recognized as a member of the Movement, in Israel the national society is the Magen David Adom ("Red Shield of David") and is represented by the six-pointed star, or shield, of David. Chartered by their respective governments to conduct humanitarian, health, welfare and safety programs, these national societies operate independently of each other. All national societies, however, are responsible for adhering to the fundamental principles of the Movement and, through the Federation's coordination, they come to one another's assistance in times of need.
NEUTRALITY	One of the fundamental principles of the Red Cross and Red Crescent Movement that requires its members to not take sides in any conflict.
PARTY	A state (nation) that has consented to be bound by a treaty and for which the treaty is in force. "High Contracting Party" is a formal term used in a legal document to refer to that state (nation) that agrees to be bound by an international agreement.
PRISONER OF WAR	A captured combatant in an international armed conflict.

PROTECTING POWER	The nation whose duty it is to safeguard the interests of the parties to the conflict and of their nationals in enemy territory. There are special regulations governing the choice and activity of those powers and of their substitutes, if any.
PROTOCOL	An international agreement that usually complements or expands upon an existing treaty or agreement. (See also Geneva Conventions of 1949 and their Additional Protocols of 1977.)
RATIFY	An act of government that legally binds the nation to a treaty already signed by that government's representative. In the United States, ratification is done by the Senate on the recommendation of the President.
RECIPROCITY	Term used to denote when one side in an armed conflict gives members of the other side certain privileges on condition that its own members will benefit from the same privileges. "Reciprocity" reflects a will to be mutually bound by certain principles and obligations. Although compliance with IHL is not based on the principle of reciprocity, the concept is nevertheless an important factor and incentive when applying the law.
RED CROSS MESSAGE	Written messages sent between prisoners of war and their relatives through Red Cross channels, usually when no other communication is possible. Red Cross message service may also be available to civilian victims of war, especially when postal services have completely collapsed.
REFUGEE	A person who, owing to fear of persecution, war or events seriously disturbing public order, is compelled to leave his or her home in order to seek refuge in another place outside his or her country of origin. Some refugees, once they arrive in the host nation, are entitled to a special status.
STATE	A term commonly used in international relations to refer to what in the United States is called a country or nation.
TRACING SERVICES	Assistance provided to people in the community who have been separated from their relatives (citizens of other countries) as a result of war, civil disturbances, natural disaster or changing world conditions over which the individual has no control. Tracing services for victims of war have their foundation in the Geneva Conventions and their Additional Protocols.
WAR CRIME	A grave breach of international humanitarian law, such as willful killing, torture and inhumane treatment or deliberately causing great suffering.

EVALUATION

Please fill out this evaluation and Email it to goehnert@usa.redcross.org, or fax it to (202) 628-1362. Your response will influence decisions about future materials.

1. Did these materials relate to your curriculum?

yes somewhat no

2. How long did it take you to prepare a lesson using this study guide?

3. How many class periods were needed to cover the material?

4. How useful was the study guide format?

5. Did you have difficulty accessing this study guide online? If so, please describe.

6. Were the objectives clear?

yes somewhat no

7. Were the students able to meet them?

yes somewhat no

8. What portion of the study guide generated the most response and discussion?

9. Were there sections of the study guide in which you would have liked more information?

10. Did you use the glossary?

yes no

11. The activities were

- relevant
- interesting
- challenging
- too difficult
- boring
- other

Thank you for taking the time to complete this evaluation.

Optional Information

Name: _____

School: _____

Address: _____

Subject(s) _____

Grade(s) _____